

REMARKS

With the above amendments, claims 1-9 remain in the application and stand finally rejected.

Claims 1 and 7 have been amended to correct informalities. Entry of the aforementioned amendments is respectfully requested as they place the claims in better form for appeal.

Reconsideration of the final rejection is respectfully requested in light of the following reasons.

Claim Rejections -- 35 U.S.C. § 112

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. According to the last office action, the limitation “computer program” does not have antecedent basis as it is not clear whether the “computer program” is a computer program that is distributed or a partially disabled computer program.

As amended, claim 1 now only recites one “computer program,” which is disabled as installed. This computer program is installed in the computer and is further clarified as being partially disabled as installed. It is respectfully submitted that this amendment removes any ambiguity as to the “computer program” as there is only one recited.

Claim 7 has been amended so that the further limitation that “the computer program” is partially disabled as installed is separated by a comma for clarity. As amended, there is only one “computer program” recited in claim 7.

Claim Rejections -- 35 U.S.C. § 103 (InfoWorld and Humes)

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Release Software and Demo 97 Demoletter to Provide Real Demos online,” pp. 1-2, February 1997 (“InfoWorld”) in view of U.S. Patent No. 5,996,011 to Humes (“Humes”).

Claim 1 is patentable over InfoWorld and Humes at least for reciting: “using the computer program to detect a need for the computer program in the computer.” As noted in the last office action, InfoWorld does not disclose a process of using a computer program to detect a need for the computer program in a computer. InfoWorld announces pay-upon download and try-before-you-buy (“demo”) software. In both of the aforementioned situations, the user has determined the need to get the demo software in the first place. The demo software is not used to detect the need for the demo software.

The last office action suggests that Humes discloses software that detects a need for a computer program. Applicants respectfully disagree with this conclusion. As noted in the last office action, Humes discloses a computer program for filtering or blocking the certain types of websites or web pages. Humes’ computer program is not employed to detect a need for a computer program, especially in the context of offering computer programs as recited later on in claim 1. Humes’ computer program is used for filtering Internet content, not to **detect a need** for a filtering program in the first place. A user that acquires Humes’ filtering program has already determined a need for a filtering program even before installing Humes’. Humes’ filtering program **satisfies** a need for filtering Internet content; it is not used to **detect** a need for the filtering program in the first place.

Claim 1 is also patentable over InfoWorld and Humes at least for reciting: “offering the computer program to the user **after installation** of the computer program in the computer” and “providing the computer program to the computer if the user accepts the offer” (emphasis added). InfoWorld does not provide details on how the demo software is offered to potential users. However, conventional software distribution schemes offer the software to the user **before installation** of the software in the user’s computer. There is no evidence to suggest that InfoWorld is any different. Humes does not disclose or suggest how the filtering program is offered to a potential user.

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over InfoWorld and Humes.

Claims 2-4 and 6 depend on claim 1 and are thus patentable over InfoWorld and Humes at least for the same reasons that claim 1 is patentable. For example:

Claim 2 recites “wherein the act of using the computer program to detect a need for the computer program in the computer includes detecting the occurrence of a type of **window**” (emphasis added). As mentioned, Humes detects contents received from web sites (i.e. web page). The last office action reads “website or web page as a type of window.” Applicants respectfully disagree with this conclusion. A window in the context of computers is a notoriously well understood term. Humes cannot and does not detect types of windows; Humes can only detect contents and source of contents displayed in a window (a browser window), not the type of the window itself.

Claim 3 recites “wherein the act of informing the user of usefulness of the computer program includes informing the user **a number** of a type of window detected by the computer program” (emphasis added). As discussed, Humes does not disclose detecting types of windows, let alone informing the user the number of a type of window detected. Even in the improper construction that content is “a window” (it is not), Humes does not disclose or suggest informing the user of **the number** of “types of websites or web pages” that have been filtered.

Claim 6 recites “wherein the computer program includes a window-blocking computer program.” Humes discloses a computer program for filtering contents of websites or web pages. Humes does not disclose or suggest a window blocking computer program. In Humes, the contents of a website are displayed in a browser window. Humes’ computer program may allow for filtering of the contents displayed in the browser window, but it does not and cannot block the browser window itself (if there is any sense to doing that) or other windows.

Claims 7-9 are rejected in the same manner as claims 1-4 and 6. The patentability of claims 1-4 and 6 over InfoWorld and Humes has already been discussed above.

Claim Rejection -- 35 U.S.C. § 103 (InfoWorld, Humes, and Teng)

Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over InfoWorld in view of Humes and further in view of U.S. Patent No. 6,094,679 to Teng et al. (“Teng”). The rejection is respectfully traversed.

Claim 5 is patentable over InfoWorld, Humes, and Teng at least for reciting: “wherein the act of providing the computer program to the user includes downloading **components** of the computer program from a remote computer.” As noted in the last office action, InfoWorld and Humes do not disclose the process wherein the act of providing the computer program to a user includes downloading components of the computer program from a remote computer. According to the last office action, “Teng discloses the process of downloading computer programs from a remote computer.” In Teng, the **entirety** of a printer installation program (“computer program”) is downloaded to allow a user to use a printer (Teng, col. 6, lines 39-55). That printer installation program has not been installed first as a disabled computer program, offered to the user, then activated by downloading components of the computer program when the user accepts the offer. That is, Teng’s download technique is for the entirety of the computer program. It cannot be used to first install a computer program that is partially disabled, and then activating the partially disabled computer program by downloading additional components.

For at least the above reasons, claim 5 is patentable over InfoWorld, Humes, and Teng.

#### Conclusion

For at least the above reasons, it is believed that claims 1-9 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

///

///

///

///

Docket No. 10005.000120  
Response To Final Office Action And Amendment  
September 21, 2005

Respectfully submitted,  
Jax B. Cowden et al.

Dated: Sept. 21, 2005

Patrick D. Benedicto

Patrick D. Benedicto, Reg. No. 40,909  
Okamoto & Benedicto LLP  
P.O. Box 641330  
San Jose, CA 95164  
Tel.: (408)436-2110  
Fax.: (408)436-2114

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:	<u>Patrick D. Benedicto</u>		
Typed or Printed Name:	Patrick D. Benedicto	Dated:	September 21, 2005
Express Mail Mailing Number (optional):			